

## REMARKS

Claims 1-4, 6, 7, 10-14, and 16-18 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### REJECTION UNDER 35 U.S.C. § 102

Claims 1-7, 11-14 and 16-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kuck (U.S. Pat. No. 3,783,700). In view of the amendments and arguments herein, this rejection is respectfully traversed.

The Examiner's attention is respectfully directed to independent claim 1, which has been amended to include the limitations of claim 5. In this regard, Applicants note that independent claim 1 now includes the recitation of:

... a washer switch having a variable frequency setting;  
a controller that communicates with said washer switch and  
said fluid delivery device and that controls operation of said fluid  
delivery device for delivering fluids intermittently; and  
**a manual override for postponing fluid delivery while in  
said variable frequency setting** (emphasis added).

Applicants respectfully assert that none of the cited references, either alone or in combination, teach, suggest or disclose a windshield washer apparatus having both an intermittent setting, as well as a manual override used to interrupt the intermittent delivery of washer fluid. Applicants respectfully disagree with the Examiner's characterization of Kuck at column 4, lines 1-8, as teaching a washer apparatus further

including "a manual override for postponing fluid delivery while in said variable frequency setting." Applicants submit that while Kuck shows fluid delivery on demand or at intermittent settings, Kuck does not show a manual override for postponing fluid delivery. Kuck provides:

The washer unit 16, when actuated, is adapted to be operated conjointly with the wiper unit 14 and comprises a washer pump assembly 40 for intermittently providing squirts of washer fluid to be applied to the windshield 10. The washer pump assembly 40 is *selectively operable to provide **either a demand wash cycle** during which washer operation continues so long as the operator desires **or a programmed wash cycle during which intermittent squirts of washer fluid are applied** to the windshield for a predetermined time interval and then automatically stopped.*

Kuck, column 4, lines 1-11 (emphasis added). As Kuck does not teach a manual override postponing the intermittent setting, it does not teach each of the limitations of Claim 1 and its dependent claims as amended. Applicants respectfully request that this rejection be withdrawn.

#### **REJECTION UNDER 35 U.S.C. § 103(A)**

Claims 8 and 10 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Kuck (U.S. Pat. No. 3,783,700) in view of Wojan et al. (PGPUB 2003/0042328). Initially, Applicants note that Claim 8 has been cancelled, and thus, the rejection to as to this claim has been rendered moot. With respect to dependent Claim 10, the Examiner's attention is respectfully directed to independent Claim 7, which has been amended to include the limitations of Claim 8 and allowed Claim 9. In this regard, Applicants note that independent Claim 7 now includes the recitation of:

... selecting an intermittent operational mode having a corresponding frequency of fluid delivery;

administering fluid intermittently to the window based on said intermittent operational mode;

**determining if fluid level of a fluid reservoir is below a predetermined level and providing a signal if said fluid level is below said predetermined level; and**

**discontinuing fluid administration if said fluid level is below said predetermined level while in said intermittent operational mode (emphasis added).**

Applicants respectfully assert that none of the cited references, either alone or in combination, teach, suggest or disclose each of the limitations of Claim 7, as amended. Claim 7 now provides for a method for administering windshield washer fluid incorporating an intermittent setting, and a method for determining if the washer fluid level is "low" and stopping the spray of washer fluid while in intermittent mode. Applicants respectfully request that the rejection of Claim 7 and its dependents be withdrawn.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that claims 9 and 15 would be allowable if rewritten in independent form. Accordingly, Applicants have amended independent Claims 7 and 14 to include the limitations of these claims and any intervening claims, and cancelled claims 8, 9 and 15. Therefore, claims 7, 10-14 and 16-18 should now be in condition for allowance.


#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:   
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